

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 1/27/2015	(3) CONTACT/PHONE Airlin M. Singewald, Senior Planner / (805) 781-5198	
(4) SUBJECT Hearing to consider an appeal by Betsy Brown of the Planning Commission's approval of a request by PG&E / Portnoff Trust for a Conditional Use Permit (DRC2014-00006) and associated Mitigated Negative Declaration to allow for the construction of a new 100' tall lattice communications tower including associated antennas and ground equipment. The proposed project is located at 1945 Adelaida Road, approximately 1.3 miles west of Paso Robles, in the Adelaida sub-area of the North County planning area. District 1.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt and instruct the chairperson to sign the resolution denying the appeal and affirming the decision of the Planning Commission, approving and adopting the Mitigated Negative Declaration, and conditionally approving Conditional Use Permit DRC2014-00006.			
(6) FUNDING SOURCE(S) Appeal Fee	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: <u> </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 1			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Airlin M. Singewald, Senior Planner

DATE: 1/27/2015

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

SUBJECT: Hearing to consider an appeal by Betsy Brown of the Planning Commission's approval of a request by PG&E / Portnoff Trust for a Conditional Use Permit (DRC2014-00006) and associated Mitigated Negative Declaration to allow for the construction of a new 100' tall lattice communications tower including associated antennas and ground equipment. The proposed project is located at 1945 Adelaida Road, approximately 1.3 miles west of Paso Robles, in the Adelaida sub-area of the North County planning area. District 1.

RECOMMENDATION

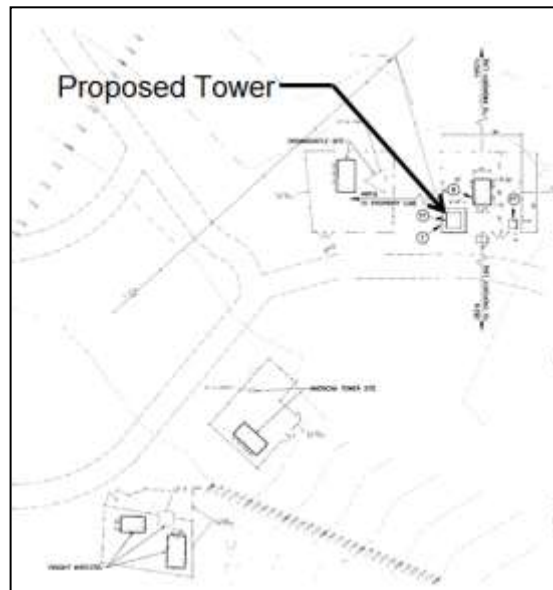
It is recommended that the Board adopt and instruct the chairperson to sign the resolution denying the appeal and affirming the decision of the Planning Commission, approving and adopting the Mitigated Negative Declaration, and conditionally approving Conditional Use Permit DRC2014-00006.

DISCUSSION

Proposed Project

The proposed project is a request by PG&E to construct a new communications tower adjacent to six existing towers and related facilities at a longstanding North County telecommunications site. The proposed facility would consist of the following components:

- One 100' tall lattice communications tower with a 9'1" x 9'1" base anchored to a 15' x 15' concrete slab;
- Ground-mounted equipment within an existing 170 square-foot equipment shelter;
- Fuel cell storage on an approximately 30 square-foot concrete slab; and
- Associated utility trenching.



The proposed facility will be used solely by PG&E for internal radio communications; it is not for cellular communications.

Refer to the attached Planning Commission staff report for a more detailed project description and analysis of ordinance

compliance.

Appeal

On November 4, 2014, Betsy Brown filed an appeal of the Planning Commission's decision approving Conditional Use Permit DRC2014-00006 for the proposed PG&E radio communications tower. The appeal contends that the Planning Commission's approval did not adequately address the project's individual and cumulative noise, visual, and fire hazard impacts; and PG&E did not sufficiently evaluate alternative sites or collocation options for the project and did not submit coverage maps to demonstrate the project's benefit.

The specific appeal issues are listed below along with staff's responses:

Appeal Issue #1: Noise Impacts. This appeal issue claims that during summer months the air conditioning units for the existing facilities are so noisy that it makes outdoor conversation difficult at the residential parcels located 600 feet to the south. According to the appeal, this conflicts with Condition #17, which requires "facilities to be operated to ensure noise generated is not audible from adjacent residential parcels." The appeal issue also claims that Condition #18, which requires the applicant to submit a post-construction noise study to verify compliance with County noise standards during the summer months, is unrealistic since it will be difficult and costly to incorporate noise attenuation after the facility is already constructed.

Staff Response: The project's noise study (Dublink Associates; August 25, 2014) measured existing ambient noise levels (including existing facilities) at 40 decibels or less and determined that the proposed air conditioning units would produce 35 decibels LEQ (hourly energy average), which complies with the County's most restrictive 45 LEQ noise standard. Condition #17 was modified at the Planning Commission hearing to clarify that PG&E's equipment shall not be audible from adjacent parcels, and that cumulative noise (existing and proposed PG&E equipment) shall not exceed the 45 decibel standard. This means the existing facilities may still be audible from adjacent parcels but shall not exceed 45 decibels.

The purpose of Condition #18 is to field verify the noise study's conclusion that cumulative noise will not exceed the 45 LEQ standard during summer months. Exceedance of the 45 LEQ standard would result in a code enforcement violation against the subject parcel, and the landowner would be responsible for working with its tenants to achieve compliance.

Although the project is expected to comply with the County's noise standards, in order to preserve rural ambient noise levels, the project is conditioned to require the use of air conditioning equipment that operates at no more than 52 decibels, measured at a 50 foot distance. This is a recommendation of the noise study.

Appeal Issue #2: No Coverage Maps. This appeal issue states that the applicant failed to provide coverage maps or any other evidence demonstrating the need for the proposed project. The appeal issue also identifies five existing telecommunications sites located west of Paso Robles that could serve as alternative sites for the proposed project.

Staff Response: In response to this appeal issue, PG&E submitted the attached maps showing PG&E's electrical lines and the predicted mobile (radio installed in a vehicle) and portable (handheld radio device) coverage that would result from the proposed radio communications tower. These maps show that the proposed tower would provide coverage (green and purple shading) for most of PG&E's electrical distribution grid (yellow lines) in the North County. These maps demonstrate how the proposed tower would benefit PG&E field crews during maintenance and repairs on the electrical system. In addition to improving radio communication for field crews, the proposed tower would support data collection for PG&E's future Supervisory Control and Data Acquisition (SCADA) program. This program is used for remote operations of equipment, such as substation breakers and switches during power outages or emergency clearances.

According to PG&E, the proposed project is critical for providing radio communication coverage in the North County, and the Portnoff site is the best location in the region because of the high elevation and the lack of intervening topography that would block transmission of signals. These characteristics make the Portnoff site an ideal location for providing telecommunications service in the North County, which is why most carriers have facilities there.

Appeal Issue #3: Collocation. The appellant raises two separate issues regarding collocation. First, the appellant references information on PG&E's website describing opportunities for wireless carriers to collocate on existing PG&E towers, and points out how this information contradicts PG&E's statement at the hearing that PG&E does not allow for

wireless carriers to collocate on its radio towers. Second, the appellant states that PG&E did not evaluate the feasibility of collocating its proposed antennas on any of the existing towers at the Portnoff site.

Staff Response: The information on PG&E's website is referring to opportunities for wireless carriers to collocate on PG&E's transmission towers and distribution poles, not radio communications towers. Consistent with the information on PG&E's website, County policy encourages collocation on existing towers and many wireless facilities in the County are located on PG&E transmission towers. However, as stated at the hearing, PG&E's policy is to not allow for wireless carriers to collocate on its radio towers due to potential electromagnetic interference and structural capacity concerns.

The second part of this appeal issue states that PG&E should have considered the feasibility of collocating its proposed antennas on one of the six existing towers at the Portnoff site before proposing to construct a new 100' tall communications tower. In response, PG&E's representatives indicated that they would prefer to lease space on an existing tower and shelter at the site, but the existing tenants are cellular companies (Sprint/Nextel, Verizon, AT&T, etc.) that have not historically shared their tower or shelter space with PG&E at any other location in California. When PG&E representatives contacted these companies about collocating on an existing tower at the Portnoff site, they were turned away. Additionally, collocation on existing cellular towers could be infeasible due to electromagnetic interference. PG&E also noted that there are no vacant equipment shelters available for lease at the site.

Appeal Issue #4: Visual Impacts. This appeal issue poses the question: what is the visual expectation for the project site? This is in reference to a statement made by staff during the hearing and one of the conclusions of the visual analysis (Robert Carr; June 2014). The appellant disagrees with this statement and claims that the proposed tower would dominate the visual setting and detract from the natural scenic quality of the landscape. The appeal also raises concerns about the cumulative visual impacts of approving multiple telecommunications facilities on a single site. Finally, the appeal asks whether any lighting (e.g. a red safety light) would be installed on the tower.

Staff Responses: The visual analysis concludes that many public viewing locations of the proposed project are from great distances of over 1 mile, and that many viewing angles towards the facility are largely screened or blocked by intervening topography, vegetation, or development. It goes on to state that "If noticed, the project would likely be consistent with the visual expectations for the site." This means that the project site is a longstanding telecommunications site already containing six towers and the addition of one new tower would likely go unnoticed. No lighting would be installed on the tower.

Appeal Issue #5: Fire Safety. This appeal issue raises concerns that activities associated with operation and routine maintenance of the existing and proposed facilities could lead to wildfire hazards in this "very high" fire hazard area. The appeal issue also raises security concerns and recalls an incident in San Ramon where a similar tower collapsed after vandals allegedly cut the tower's support wires. The appeal issue points out that there's only one exit off the ridge and out of the neighborhood (Mountain Springs Road) and suggests that a second exit through the Portnoff parcel (to Adelaida Road) could mitigate potential fire safety hazards associated with the proposed project.

Staff Response: The attached fire safety review letter (Cal Fire; August 27, 2014) states that the project is located within a Very High Fire Hazard Severity Zone and within State Responsibility Area Lands, and identifies numerous requirements that must be satisfied to ensure fire safety. The project is conditioned to comply with these requirements before the construction permit is finalized.

Although the project is located within a very high fire hazard area, unmanned telecommunications facilities such as the proposed project are very rarely an ignition source causing wildfire. Since the proposed project is not expected to pose a significant fire safety risk and since the project is conditioned to comply with the recommendations of Cal Fire's review letter, there is no basis for requiring access through the Portnoff property.

As for security concerns, PG&E's proposed tower and equipment shelter would be fenced off, and staff is unaware of any incident involving vandalism (other than graffiti) to a communications facility in this county. Also, there are no established public trails that traverse the Portnoff site.

According to the appeal, the fact that PG&E had already entered into a lease with the landowner indicated "presumptive approval" of the conditional use permit. However, telecommunications carriers generally do not apply for land use permits until after they have secured a lease with the landowner, and the existence of a lease agreement does not imply land use permit approval or bind the decision-makers in any way.

Appeal Issue #6: This appeal issue claims that the County's telecommunications ordinance is "ambiguous and subject to interpretation," and that the lack of distinct guidelines for the siting of new towers has been a source of frustration and concern for the surrounding neighborhood. It concludes by stating that the current situation at the Portnoff site is the result of poor land use planning for telecommunications facilities over the years.

Staff Response: As described in the attached Planning Commission staff report, the proposed communications tower was sited in accordance with Land Use Ordinance Section 22.30.180 (Communications Facilities), which encourages carriers to collocate at sites where facilities presently exist before proposing to construct towers at new locations. As described in response to appeal issue #4, the addition of one new tower would be consistent with the visual expectation for this longstanding telecommunications site and would likely go unnoticed by the casual observer. This is in contrast to the visual impact that would result from installing a new 100' tall tower on an undeveloped ridgeline.

Although it would be preferable for PG&E to collocate its equipment on an existing tower (rather than building a new tower), as described in response to appeal issue #3, the owners of the existing towers refused to lease space to PG&E.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed this staff report and resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

The appellant paid an appeal fee in the amount of \$850.

RESULTS

Denying the appeal would uphold the Planning Commission's approval of the project. As a result, PG&E would be able to construct the proposed communications tower. The project is consistent with the countywide goal of promoting a well-governed community.

ATTACHMENTS

1. Board of Supervisors Resolution with Findings and Attachments
2. Betsy Brown Appeal; November 6, 2014
2. Planning Commission Staff Report; October 23, 2014
3. Planning Commission Hearing Minutes; October 23, 2014
4. Coverage Maps